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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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J. William Whitehart

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VISTEON/BRINKS HOFER GILSON & LIONE

524 South Main Street

Suite 200

Ann Arbor, MI 48104

EXAMINER

YEN, ERIC L

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/814,987	Applicant(s) WHIKEHART, J. WILLIAM	
	Examiner ERIC YEN	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11, 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. In response to the Advisory Action mailed 6/24/08, applicant has submitted an amendment filed 8/8/08.

Claims 23-24 have been amended.

Response to Arguments

2. Applicant's arguments with respect to claims 23-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-10, and 15-21, and 23-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogson et al. (US 2002/0055339), hereafter Rogson, in view of Bernard et al. (US 5,918,213), hereafter Bernard, and Durston et al. (US 7,143,040).

As per Claim 23, Rogson teaches a system for generating an information announcement ("title of the work is presented orally... synthesized voice", paragraph 39), the system comprising: a receiver to receive broadcast programming transmission information ("broadcast... title data", paragraph 29; "broadcast live", paragraphs 31-32),

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and a voice generator in communication with the receiver, the voice generator being configured to receive transmission information, creating a message ("title of the work is presented orally", paragraph 39; "broadcast... title data", paragraph 29).

Rogson fails to teach where the message is created by selecting a predefined template, and inserting portions of the transmission information into the template.

Bernard teaches where the message is created by selecting a predefined template, and inserting portions of the transmission information into the template ("stringing together... announcement of the title", col. 35, line 65 – col. 36, line 9; where the sequence is a template which defines the order to announce something, including a title, and the title is part of Rogson's transmission information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogson to include the teaching of Bernard of where the message is created by selecting a predefined template, and inserting portions of the transmission information into the template, in order to provide additional information that the user may want, as described by Bernard (col. 35, line 65 – col. 36, line 9).

Rogson, in view of Bernard, fail to teach where the voice generator is a text-to-speech generator and the template is selected from a plurality of predefined templates, and wherein the template includes a phrase and the portions of the transmission information are inserted into the phrase.

Durston teaches where the voice generator is a text-to-speech generator and the template is selected from a plurality of predefined templates, and wherein the template includes a phrase and the portions of the transmission information are inserted into the

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phrase ("template... tokens need to be replaced by values... text-to-speech generator", col. 10, lines 8-35; where 3 different ways of saying the same thing are taught in a voice synthesizing device for presentation to the user).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogson, in view of Bernard, to include the teaching of Durston of where the voice generator is a text-to-speech generator and the template is selected from a plurality of predefined templates, and wherein the template includes a phrase and the portions of the transmission information are inserted into the phrase, in order to prevent excessive repetition, as described by Durston (col. 12, lines 29-36).

As per Claim 24, its limitations are similar to those in Claim 23, and so is rejected under similar rationale.

As per Claim 4, Rogson teaches wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on the transmission information.

Bernard teaches wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on the transmission information ("stringing together... announcement of the title", col. 35, line 65 – col. 36, line 9; where the sequence determined is based on receiving the title information and determining that it needs to be output, which selects the appropriate template to output the title).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogson to include the teaching of Bernard of wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on the transmission information, in order to provide additional information that the user may want, as described by Bernard (col. 35, line 65 – col. 36, line 9).

As per Claim 5, Rogson fails to teach wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on artist information in the transmission information the transmission information.

Bernard suggests wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on artist information in the transmission information the transmission information (“stringing together... announcement of the title”, col. 35, line 65 – col. 36, line 9; where the sequence determined is based on receiving the title information and artist information and determining that they need to be output, which selects the appropriate template to output the title, and it is obvious that if any of the artist or title information is not received to not use the template that requires both to be output).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogson to include the teaching of Bernard of wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on artist information in the transmission information the transmission

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information, in order to provide additional information that the user may want, as described by Bernard (col. 35, line 65 – col. 36, line 9).

As per Claim 6, Rogson fails to teach wherein the text-to-speech generator is configured to determine if artist information is in the transmission information and to determine if the artist information is plural.

Bernard suggests wherein the text-to-speech generator is configured to determine if artist information is in the transmission information and to determine if the artist information is plural (“stringing together... announcement of the title”, col. 35, line 65 – col. 36, line 9; where, in synthesizing the words in the announcement which includes the artist information, the system determines that the words in at least two names need to be synthesized to determine what to synthesize in the artist information, which determines that there is more than one name in the artist information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogson to include the teaching of Bernard of wherein the text-to-speech generator is configured to determine if artist information is in the transmission information and to determine if the artist information is plural, in order to provide additional information that the user may want, as described by Bernard (col. 35, line 65 – col. 36, line 9).

As per Claim 7, Rogson teaches wherein the transmission information includes next up information, and the text-to-speech generator selects the template based on the

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next up information (“title of the work is presented orally”, paragraph 39; “broadcast... title data”, paragraph 29; where the title information is received at the time a song is to be played, and so it announces the song that it about to be played, or “next up”).

As per Claim 8, Rogson teaches wherein the text-to-speech generator is configured to add phrases to the template, where the phrases are associated with the transmission information (“title of the work is presented orally”, paragraph 39; “broadcast... title data”, paragraph 29; where a title is a phrase).

As per Claim 9, Rogson fails to teach wherein the phrases are associated with artist information in the transmission information.

Bernard suggests wherein the phrases are associated with artist information in the transmission information (“stringing together... announcement of the title”, col. 35, line 65 – col. 36, line 9; where the artist name can be multiple words which is a phrase).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogson to include the teaching of Bernard of wherein the phrases are associated with artist information in the transmission information, in order to provide additional information that the user may want, as described by Bernard (col. 35, line 65 – col. 36, line 9).

As per Claim 10, Rogson teaches an input device, wherein the phrases are user definable via the input device (“broadcast... title data”, paragraph 29; “broadcast live”,

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paragraphs 31-32; where the title information must be input at some point, and is done by somebody who knows the title).

As per Claims 15-21, their limitations are similar to those in Claims 4-10, and so are rejected under similar rationale.

5. Claims 2-3, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogson, in view of Bernard and Durston, as applied to Claims 23-24, above, and further in view of Surace et al. (US 6,144,938), hereafter Surace.

As per Claim 2, Rogson, in view of Bernard and Durston, fail to teach wherein the text-to-speech generator is configured to randomly select a template from the plurality of predetermined templates.

Surace teaches wherein the text-to-speech generator is configured to randomly select a template from the plurality of predetermined templates ("random number generator", col. 15, lines 3-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogson, in view of Bernard and Durston, to include the teaching of Surace of wherein the text-to-speech generator is configured to randomly select a template from the plurality of predetermined templates, in order to facilitate prevention of repetition, as described by Surace (col. 15, lines 3-22).

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As per Claim 3, Rogson, in view of Bernard and Durston, fail to teach wherein the text-to-speech generator is configured to select a template from the plurality of predetermined templates based on a counter.

Surace teaches wherein the text-to-speech generator is configured to select a template from the plurality of predetermined templates based on a counter ("clock", col. 15, lines 3-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogson, in view of Bernard and Durston, to include the teaching of Surace of wherein the text-to-speech generator is configured to select a template from the plurality of predetermined templates based on a counter, in order to facilitate prevention of repetition, as described by Surace (col. 15, lines 3-22).

As per Claims 13-14, their limitations are similar to those in Claims 2-3, and so are rejected under similar rationale.

6. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogson, in view of Bernard and Durston, as applied to Claims 23-24, above, and further in view of Barile (US 2002/0087224).

As per Claim 11, Rogson, in view of Bernard and Durston, fail to teach an audio summer configured to combine the message with a music signal.

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Barile teaches an audio summer configured to combine the message with a music signal ("concatenated with the audio file", paragraph 31)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogson, in view of Bernard and Durston, in order to facilitate providing descriptive information, as described by Barile (paragraph 31).

As per Claim 22, its limitations are similar to those in Claim 11, and so is rejected under similar rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC YEN whose telephone number is (571)272-4249. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EY 11/7/08

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2626